

REMARKS

Introduction

This Amendment and Reply addresses issues raised in the Office Action dated March 29, 2010. Claims 1-12 are pending in this application. Claims 11-12 stand rejected. Claims 1-12 stand objected to.

With the present Amendment and Reply, claims 1, 10, 11, and 12 are amended as discussed below. Claim 2 is cancelled.

No new matter is presented. Reconsideration is respectfully requested.

Restriction

The Examiner notes that the restriction of claims 1-12 is proper and final despite Applicants' remarks. While Applicants do not acquiesce in the propriety of the restriction, Applicants amend claims 1 and 10 to conform to Group I as proposed by the Examiner (see Office Action dated December 23, 2009). Withdrawal of the restriction requirement is respectfully requested.

Specification

The Examiner contends that the application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). Applicants introduce an Abstract as set forth on page 2 of this submission.

Rejection of Claims 11-12 Under 35 U.S.C. §112, Second Paragraph

Claims 11 and 12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner contends that: (1) the variable Y is not defined; and (2) there is insufficient antecedent basis for the limitation that H is the value of variable R8 in claim 10. Finally, the Examiner suggests that a comma be inserted after "insecticidal" in line 1 of claim 12.

With the present Amendment and Reply, Applicants amend claim 11 to recite the definition of the variable Y as set forth in claim 10. Applicants also amend claim 10 to recite the definitions of n, p, q, R¹, R², R³, R⁴ and Ra as set forth in claim 10. Applicants further amend claim 10 to independent form thereby overcoming the antecedent basis issue for the definition of R8. Finally, a comma is inserted after the term "insecticidal" in line 1 of claim 12.

Rejection of Claim 12 Under 35 U.S.C. §102 - Genin

Claim 12 stands rejected under 35 U.S.C. §102 as being anticipated by Genin. The Examiner notes that compound 1 as disclosed by Genin anticipates claim 12 when Y is a single bond, R1 is alkyl, and R8 is a substituted alkyl group in the compounds of formula (I).

With the present Amendment and Reply, Applicants amend claim 12 so that claim 12 refers to a compound of formula I' as defined in claim 10. The compound of formula I' in claim 10 is not anticipated by Genin. Withdrawal of the rejection is respectfully requested.

Rejection of Claim 12 Under 35 U.S.C. §102 – Gao

Claim 12 stands rejected under 35 U.S.C. §102 as being anticipated by Gao. The Examiner notes that Gao anticipates the instant claims when R8 represents a substituted alkyl group in the compounds of formula (I).

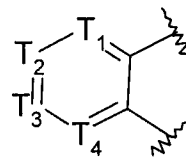
As noted above, Applicants amend claim 12 so that claim 12 refers to a compound of formula I' as defined in claim 10. The compound of formula I' in claim 10 is not anticipated by Gao. Withdrawal of the rejection is respectfully requested.

Objection

Claims 1-12 stand objected for containing non-elected subject matter. With the present submission, Applicants amend independent claims 1 and 10 to conform to Group I as proposed by the Examiner (see Office Action dated December 23, 2009) such that the definition of the ring



is recited as a 6 membered heteroaromatic ring,



, wherein T1

represents N, and each of T2, T3, and T4 represent C. As a result of the amendment to claim 1, claim 2 is cancelled. Withdrawal of the objection is respectfully requested in view of this amendment.

CONCLUSION

Applicants believe the claims are in condition for allowance. Applicants invite the Examiner to telephone the undersigned attorney of record if the Examiner feels that the call will be beneficial to advance prosecution of the application.

Respectfully submitted,

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